

Mills, Clarissa

From: Guerry, William M. <WGuerry@KelleyDrye.com>
Sent: Wednesday, September 12, 2018 12:19 PM
To: Mills, Clarissa
Cc: Bill Tyndall; Mike Major; Ranajit Sahu
Subject: BOE-- Ambient Air Data--Other Contribution Sources
Attachments: NDEQ Ambient Air Data 20170202 FIN (003).pdf

Follow Up Flag: Follow up
Flag Status: Completed

Clarissa

Per our call this morning—here is the Haley and Aldrich study from early February 2017 , which noted the ambient level of H₂S back in the 2007-2010 timeframe in the SSC area long before BOE was operating.

As we discussed, over the last 5 years there has been a substantial increase in the amount of H₂S emissions contributed by agricultural and food processing industries in the adjacent Roth Industries Industrial Park. It appears that EPA's conclusions and stip. penalties have not taken this issue into account.

Let's add this issue to the agenda for the larger technical call tomorrow. On that call—we should discuss how to improve the content of the AOCC to ensure that the stipulated penalties are never unfairly triggered by the baseline level and likely spikes of H₂S from other nearby industries. This same concern should result in improvements to Paragraph 56 which incorrectly states that BOE caused an exceedance to the Nebraska State limit for TRS levels. I will include that issue in my more comprehensive mark- up of the draft AOCC.

Thanks, Bill

This message is subject to Kelley Drye & Warren LLP's email communication policy.

[KDW-Disclaimer](#)